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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------------|----------------------|---------------------|------------------|
| 10/770,232 | 02/02/2004 | Phillip Sollami | | 9495 |
| 26449 | 7590 09/09/2004 | | EXAM | INER |
| JAMES N VIDEBECK 1 S 376 SUMMIT AVE | | | SINGH, SUNIL | |
| COURT C | MIT AVE | | ART UNIT | PAPER NUMBER |
| OAKBROOK | TERRACE, IL 60181 | | 3673 | |

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | Application No. | Applicant(s) | | | |
|--|--|---|--|--|--|
| | 10/770,232 | SOLLAMI | | | |
| Office Action Summary | Examiner | Art Unit | | | |
| | Sunil Singh | 3673 | | | |
| The MAILING DATE of this communication app Period for Reply | ears on the cover sheet with the c | correspondence address | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is especified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). | 6(a). In no event, however, may a reply be tin within the statutory minimum of thirty (30) day fill apply and will expire SIX (6) MONTHS from cause the application to become ARANDONE | nely filed s will be considered timely. the mailing date of this communication. D (35.U.S.C. & 133) | | | |
| Status | | | | | |
| 1) Responsive to communication(s) filed on | _• | | | | |
| l | action is non-final. | | | | |
| 3) Since this application is in condition for allowan | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | |
| closed in accordance with the practice under E | | | | | |
| Disposition of Claims | | | | | |
| 4)⊠ Claim(s) <u>1-3 and 8-15</u> is/are pending in the app | lication. | | | | |
| 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | |
| 5) Claim(s) is/are allowed. | | | | | |
| 6) Claim(s) is/are rejected. | | | | | |
| 7) Claim(s) is/are objected to. | | | | | |
| 8) Claim(s) 1-3, 8-15 are subject to restriction and/or election requirement. | | | | | |
| Application Papers | | | | | |
| 9) The specification is objected to by the Examiner. | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). | | | | | |
| Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | |
| | oriority under 25 LLC O 2 440(a) | (d) or (f) | | | |
| 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: | | | | | |
| 1. Certified copies of the priority documents have been received. | | | | | |
| | | | | | |
| 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage. | | | | | |
| - The same process and the second of the sec | | | | | |
| application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. | | | | | |
| See the attached detailed Office action for a list of the certified copies not received. | | | | | |
| | | | | | |
| Attachment(s) | | | | | |
| 1) Notice of References Cited (PTO-892) | 4) Interview Summary | | | | |
| 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Da | | | | |
| 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date | 6) Other: | atent Application (PTO-152) | | | |
| J.S. Patent and Trademark Office | | | | | |
| PTOL-326 (Rev. 1-04) Office Act | ion Summary Par | t of Paper No./Mail Date 20040901 | | | |

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-3, 8-14 are, drawn to bit, bit holder, and block assembly, classified in class 299, subclass 102.
 - II. Claim 15 is, drawn to a tool for removing a bit holder, classified in class299, subclass 95.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention Group II has separate utility such as bolt and nut with a washer assembly used to fasten two members together. Invention Group I has separate utility such as a scarifying tool. See MPEP§806.05(d).
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

It should be noted that if Group I were elected, then Group I is further restrictable because of patentably distinct Species.

4. This application contains claims directed to the following patentably distinct species of the claimed invention: Species I drawn to Fig. 3; Species II drawn to Fig. 10; Species III drawn to Fig. 1 (spacer 17)

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Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP§809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Any inquiry concerning this communication or earlier communications from the 6. examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024.

The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh

Patent Examiner

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